

City Council Introduction: **Monday**, October 29, 2001
Public Hearing: **Monday**, November 5, 2001, at **1:30 p.m.**

Bill No. 01R-287

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1935**, requested by Lincoln Investment Group, L.L.C., for authority to reduce the yard requirements of the B-4 Lincoln Center Business District for walls containing windows for dwellings under the provisions of § 27.63.410 of the Lincoln Municipal Code, in order to redevelop and renovate the Lincoln Building located at 1001 "O" Street.

STAFF RECOMMENDATION: Conditional Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 10/17/01
Administrative Action: 10/17/01

RECOMMENDATION: Conditional Approval (8-0: Carlson, Steward, Hunter, Taylor, Duvall, Newman, Bills and Schwinn voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. The staff recommendation to approve this special permit request, with conditions, is based upon the "Analysis" as set forth on p.3-4. The conditions of approval are found on p.4-5.
2. This application was placed on the Consent Agenda of the Planning Commission on October 17, 2001, and opened for public hearing. No one came forward to speak.
3. On October 17, 2001, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated October 4, 2001.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 22, 2001

REVIEWED BY: _____

DATE: October 22, 2001

REFERENCE NUMBER: FS\CC\FSSP1935

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S. Special Permit #1935:

DATE: October 4, 2001

PROPOSAL: To reduce the yard requirements of the B-4 Lincoln Center Business District for walls containing windows for dwellings under the provisions of 27.63.410 in order to redevelop and renovate the Lincoln Building at 1001 "O" Street.

WAIVER REQUEST: None

LAND AREA: 7100 square feet, more or less

CONCLUSION: This application is in conformance with the Comprehensive Plan and meets the provisions of the special permit.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 11 and 12, Block 55, Original Plat of Lincoln, in the NE quarter of Section 26, Township 10 North, Range 6 East, Lancaster County, Nebraska.

LOCATION: Generally located at 1001 "O" Street.

APPLICANT: Lincoln Investment Group, L.L.C.
2820 N. 48th Street
Lincoln, NE 68504
(402) 464-3833

OWNER: Lincoln Investment Group, L.L.C.
2820 N. 48th Street
Lincoln, NE 68504
(402) 464-3833

CONTACT: Ravi K. Maniktala

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING: B-4 zoning, with mixed land uses including Downtown Senior Center to east, Lincoln Crossing housing to north, Terminal Building (offices) to west, and Gold's Galleria (offices) to south.

ASSOCIATED APPLICATIONS: None

HISTORY: Building constructed as First National Bank of Lincoln Building in 1910, office building throughout most of 20th century, most recently for Nebraska Dept. of Social Services, vacant for several years. Listed on the National Register of Historic Places in 1998.

COMPREHENSIVE PLAN SPECIFICATIONS: Downtown is shown as “Commercial” on Figure 16, Lincoln’s Future Land Use Plan. The Plan notes:

Renovation and adaptive reuse of existing, often historic, buildings has produced a rebirth of Downtown as a residential neighborhood. (P. 59)

Downtown should continue to accommodate and encourage the broadest mix of uses and activities of any area of the city—a truly urban blend of housing, diverse employment, retail, office, parking, entertainment, and diverse cultural activities. (P. 60)

UTILITIES: Full services.

PUBLIC SERVICE: The nearest fire stations are located at 18th and Q Streets and 2nd and N Streets.

ENVIRONMENTAL CONCERNS: The Health Dept. has noted the importance of protecting air quality for future residents in this building (see memo).

AESTHETIC CONSIDERATIONS: Landmark building on key downtown intersection.

ALTERNATIVE USES: B-4 permits wide range of lawful uses, including residences as proposed.

ANALYSIS:

1. This request is to permit use of existing windows in the Lincoln Building for residences. The B-4 district requires yards adjacent to walls containing windows for dwellings, allowing the one half of an alley width may be counted as part or all of the required yard.
2. Recognizing that the yard requirements may be achievable for new construction, but could prohibit adaptive reuse of existing buildings for residences, the zoning code includes provision 27.63.410, “Permitted Special Use: Dwellings Above First Story in B-1, B-3, and B-4” which specifically allows consideration and granting of residential uses in existing buildings which cannot meet the yard requirements, provided a separation of at least five feet exists between the required windows and another building or structure.
3. The Lincoln Building adjoins a platted alley on the south. On the south side of the alley is Gold’s Galleria, separated by a service area which (with the alley) provides 43 feet of separation.
4. The Lincoln Building abuts the Downtown Senior Center to the east. The windows proposed to serve residential uses to the east are separated by more than five feet from the roof of the Senior Center.

5. The City Engineer's Office of the Dept. of Public Works and Utilities has reviewed the request and has no comment. (Memo enclosed.)
6. The Health Dept. noted that the building designers should be made aware of the possible pollutants entering the building's ventilation system from the adjoining alley area, and offered technical assistance through their Indoor Air Quality Program. (Memo enclosed.)
7. The reuse of existing buildings for residences has been an important part of meeting the community's goals for a mixed use downtown. The former Capitol Hotel (Georgian Court), the former Security Mutual Building (CenterStone), and the former Stuart Building (University Towers) are all landmark buildings similar to the Lincoln Building, which now offer residences. The residential conversion of the Lincoln Building would be supportive of community goals and consistent with past practice.

CONDITIONS:

Site Specific:

1. This approval permits use of existing windows on upper floors for residential purposes.
2. The permittee agrees, by acceptance of the special permit, to vacate the dwellings authorized by such special permit within sixty days of receipt of notification from the Building Official of development on an adjacent property which in any manner reduces the required separation to less than five feet.

General:

3. The construction meets the approval of the Building Official as complying with all applicable codes and regulations.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying this building all development and construction is to comply with the approved plans.
 - 4.2 All privately-owned improvements are to be permanently maintained by the owner.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Ed Zimmer
Historic Preservation Planner

SPECIAL PERMIT NO. 1935

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

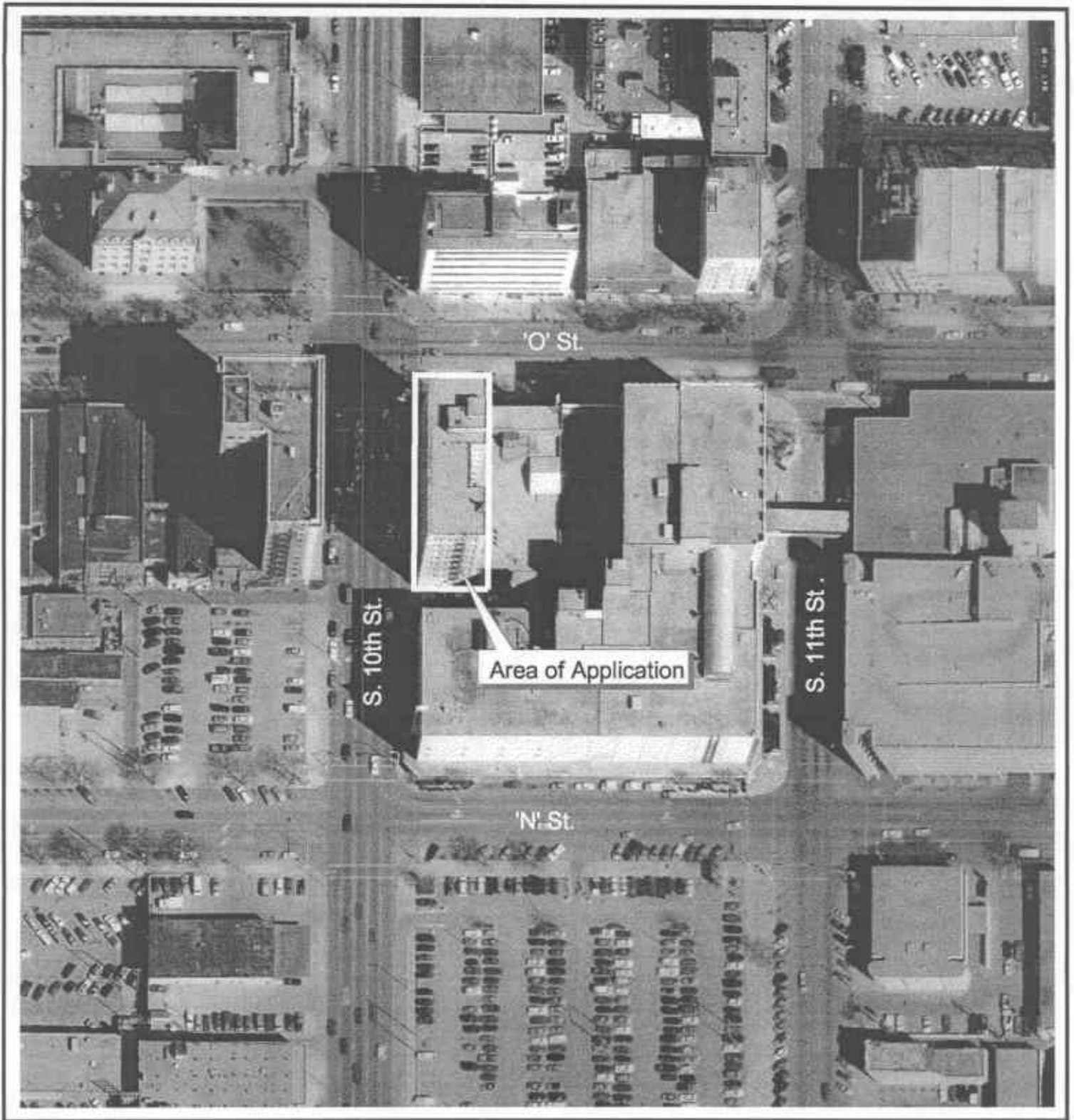
October 17, 2001

Members present: Bills, Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor; Krieser absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3336; CHANGE OF ZONE NO. 3342; SPECIAL PERMIT NO. 1935; SPECIAL PERMIT NO. 1936; SPECIAL PERMIT NO. 1938; FINAL PLAT NO. 01024, MORNING GLORY ESTATES ADDITION; ANNEXATION NO. 01003; and CHANGE OF ZONE NO. 3314.**

Steward moved to approve the Consent Agenda, seconded by Hunter and carried 8-0: Bills, Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor voting 'yes'; Krieser absent.

Note: This is final action on Special Permit No. 1936; Special Permit No. 1938; and Morning Glory Estates Addition Final Plat No. 01024, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

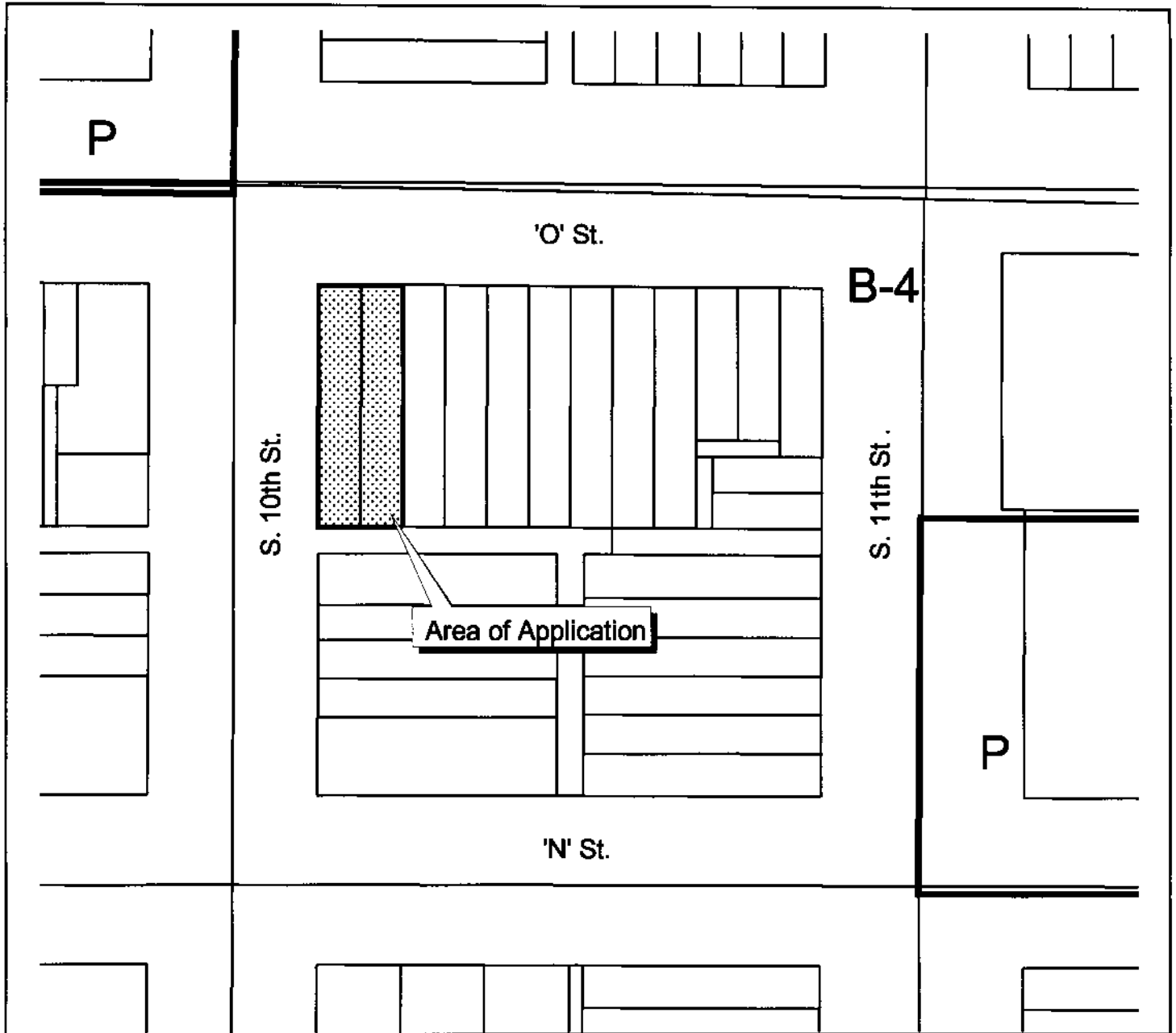


Special Permit #1935
1001 'O' St.



Photograph Date: 1997

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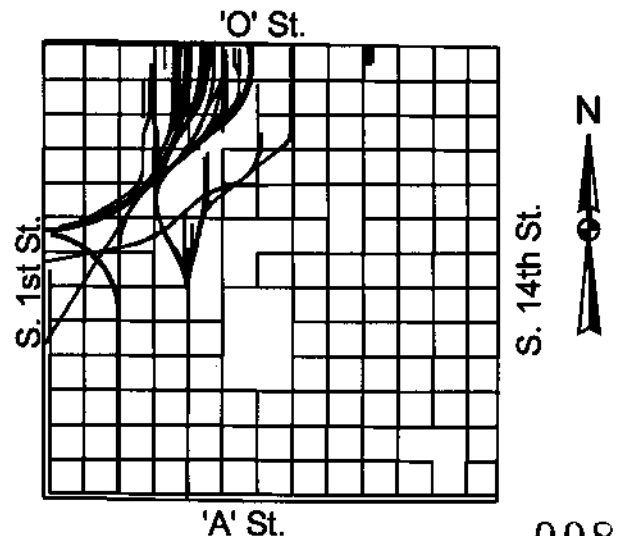
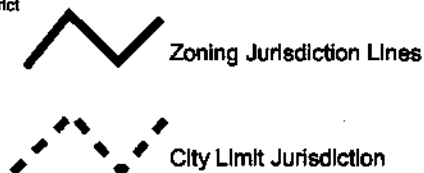


Special Permit #1935 1001 'O' St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 26 T10N R6E



008

September 18, 2001

Kathleen Sellman, Director
City of Lincoln
Planning Department
555 South 10th Street
Lincoln, NE 68508

Re: Lincoln Building
File: 354.001

Dear Ms. Sellman:

The City of Lincoln through the permitting process asked us to submit additional information for the Special Permit since the South Side of the Building does not meet the yard requirements of Section 27.35.070(e) (Ord. 16070 & 2; March 9, 1992).

The south elevation of this building faces the alleyway. This alley as shown in the site plan sketch is extra wide as this was a loading dock access for Golds. There is 43 feet between the two buildings. The Golds Building straight south of the Lincoln Building is four (4) stories tall. This building does not block any sunlight to the Lincoln Building south elevation. The Lincoln Building has very large windows bringing ample light to the proposed Apartments.

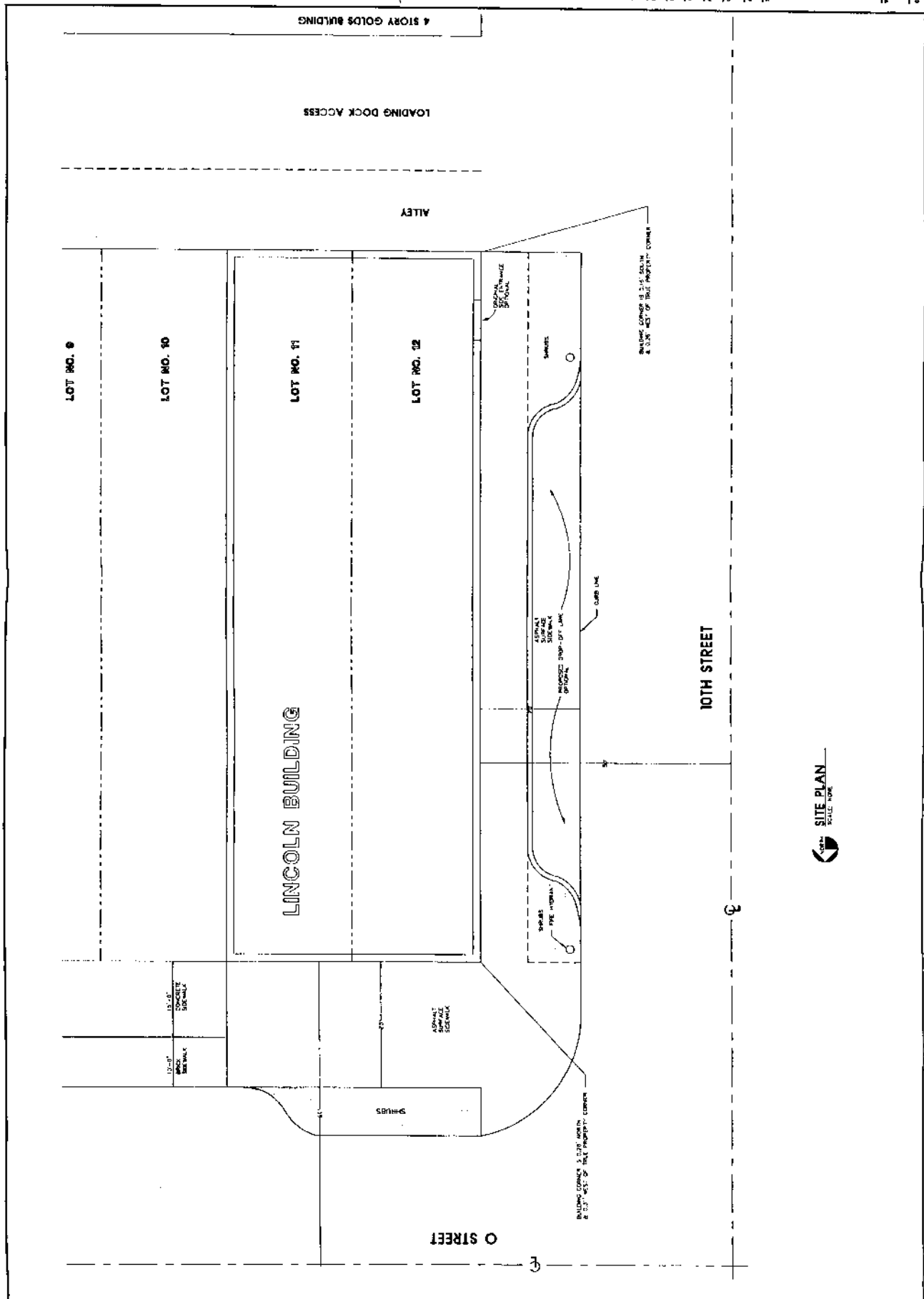
For all of the above reasons, we feel that these apartments will have adequate light and yard and should be given approval for the special permit.

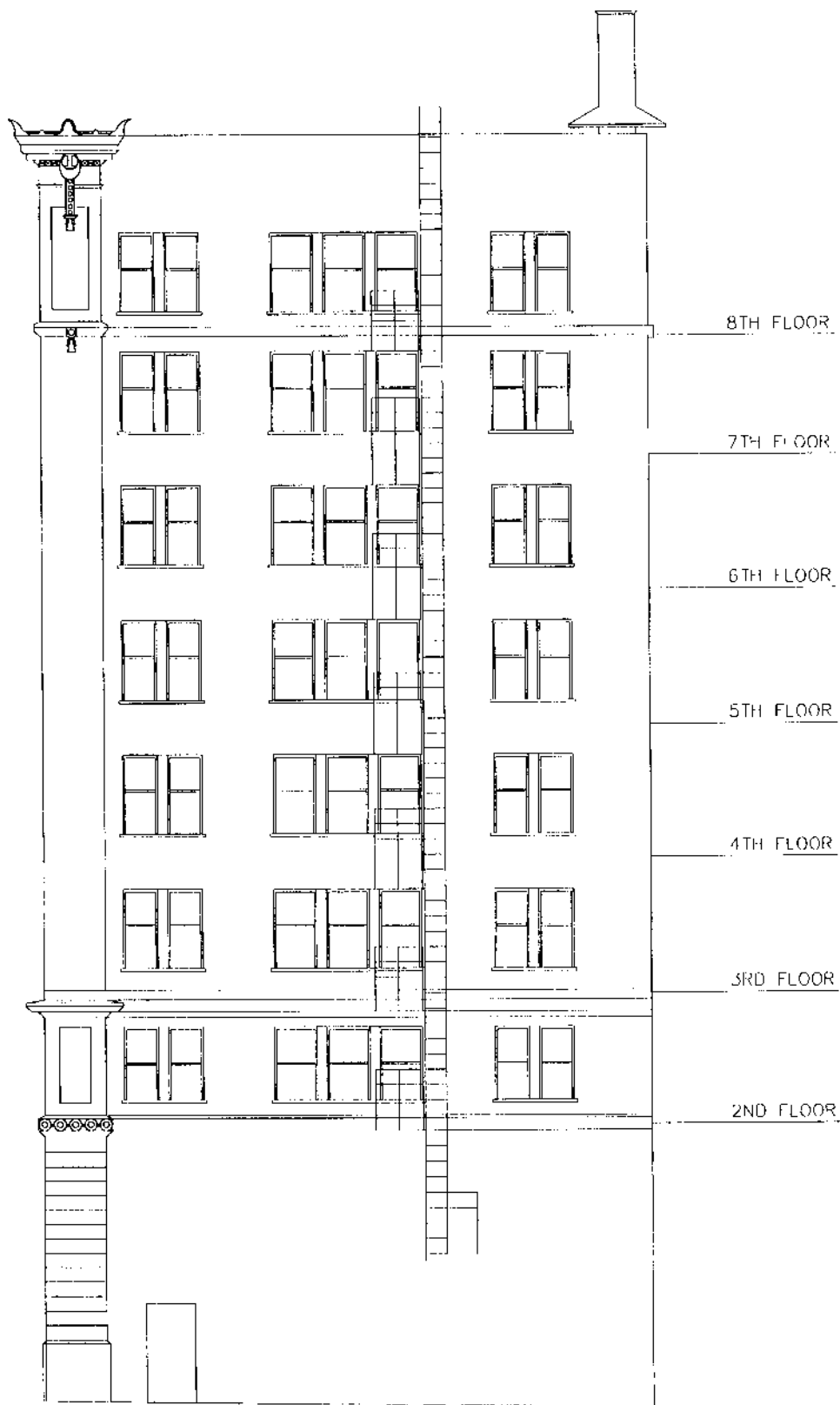
Thank you for your considerations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ravi Maniktala', written in a cursive style.

Ravi Maniktala
Lincoln Investment Group





SOUTH ELEVATIONS
SCALE: NONE



WEST ELEVATIONS
SCALE: NONE



THE LINCOLN BUILDING
LINCOLN, NEBRASKA

THE LINCOLN BUILDING
RESTORATION
AND REMODEL

PROJECT NO.

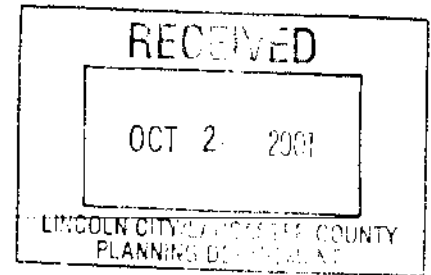
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DESIGNED BY
RM, W, DAB
DRAWN BY
RM, W, DAB
CHECKED BY
HKM
FILE NO.
354.001
DATE
JULY 27, 2000
EXAMINED BY
PERMIT SET
DATE FILED

NOTED
WEST
ELEVATIONS

SHEET NO.
A8
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Memorandum



To: Ed Zimmer, Planning Department
From: Charles W. Baker, Public Works and Utilities *CBH*
Subject: Special Permit # 1935, Lincoln Building
Date: October 1, 2001
cc: Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for the Lincoln Building yard requirement at 1001 "O" Street and has no comment.

fcj memo to ed zimmer lincoln building cwb

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Ed Zimmer

DATE: 9/28/2001

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Lincoln Building
SP #1935

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for special permit # 1935 for any possible negative public health impacts. The following concern(s) are noted:

- The site plan detail does indicate that a "loading dock" is in close proximity to the Lincoln Building. The building designers and/or the heating, ventilation, and air conditioning contractor should be made aware of the possibility for carbon monoxide and other pollutants such as fine particulates from vehicle exhaust to be re-entrained into the building via fresh air intakes.
- The LLCHD does have an Indoor Air Quality Program that can provide technical assistance.

If you have any questions, please contact me at 441-6272.